Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3261 OF 2006
WITH
CIVIL APPLICATION NO.3260 OF 2006
IN
FIRST APPEAL NO.539 OF 1993

Vasant Dagadu Pol & Ors. ...Applicants
V/s.
Anjana Yeshwant Pol ...Appellant
And
Arun Maruti Palange & Ors. ...Respondents

Mr.M.N. Dhamal, Advocate, for the Applicants.

CORAM : ABHAY S. OKA, J.

DATE : 23RD NOVEMBER, 2007.

P.C.:

1. These Civil Applications have been preferred by the legal representatives of original respondent Nos.3 and 4 in the First Appeal. The First Appeal has been finally disposed of by order dated 1-3-1994. The Civil Application No.3261 of 2006 is for bringing on record the heirs of deceased respondent Nos.3 and 4 and the applicants themselves are claiming to be the heirs. The second application is for permitting the applicants, who are claiming to be heirs of the deceased respondent Nos.3 and 4, to withdraw the amounts deposited in the fixed deposit as per the final order passed in the First Appeal.

2. In disposed of First Appeals, these Civil Applications are not maintainable. If there are some amounts invested in the names of respondent Nos.3 and 4 as per the final order passed in the Appeal, the legal representatives of the deceased respondent Nos.3 and 4 in the Appeal can always take out appropriate application before the learned Commissioner for Workmen's Compensation. If the learned Commissioner is satisfied that the concerned applicants are the legal representatives of the deceased respondent Nos.3 and 4, it is always open for the learned Commissioner to pass appropriate orders regarding disbursement of the amounts due and payable, if any, under the fixed deposits.

3. Hence both the Civil Applications are disposed of with liberty to the applicants to file appropriate application before the Commissioner for Workmen's Compensation. If applications are made by the applicants before the learned Commissioner, the same shall be decided expeditiously.

[ABHAY S. OKA, J.]